

FILED 11 APR 25 1301 USDC ORN

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONNA JENE MEMMOTT,

Plaintiff,

Civ. No. 10-3042-CL

v.

ORDER

ONEWEST BANK, FSB, and
REGIONAL TRUSTEE SERVICES
CORPORATION,

Defendants.

PANNER, District Judge:

On February 9, 2011, Magistrate Judge Mark D. Clarke filed a Report and Recommendation (#58), and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Plaintiff and defendant Regional Trustee Services Corporation filed objections, and responses were filed to the objections. Therefore, I have reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1)(c); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). On April 19,

2011, I presided over oral arguments regarding the objections.

With one addition, Magistrate Judge Clarke's Report and Recommendation (#58) is adopted. At the beginning of the first full paragraph on page 11 (just prior to "Since neither OneWest nor Regional . . ."), I include the following:

At this stage in the proceedings, I conclude OneWest is a "debt collector" under the FDCPA. I assume, without deciding, that Regional is also a "debt collector" under the FDCPA."

This matter is referred to Magistrate Judge Clarke for further proceedings.

IT IS SO ORDERED.

DATED this 25 day of April, 2011.



OWEN M. PANNER
U.S. DISTRICT JUDGE